

Committee report

Committee	MEETING OF FULL COUNCIL
Date	21 NOVEMBER 2012
Title	TO APPROVE THE APPOINTMENT OF A DESIGNATED INDEPENDENT PERSON
Report of/to	DAVINA FIORE DEPUTY DIRECTOR OF RESOURCES (CORPORATE GOVERNANCE) AND MONITORING OFFICER

EXECUTIVE SUMMARY

1. The Council is required to appoint at least one Designated Independent Person (DIP) who may be consulted by the Monitoring Officer and elected members in relation to the new standards arrangements. When considering complaints against members the Monitoring Officer must consult with a DIP before a complaint is referred for investigation; in all other cases the Monitoring Officer may consult a DIP. Members subject to a complaint can also consult a DIP. Given the potential for conflicts of interest and/or delays due to holidays or sickness it was agreed by full Council on 20th June 2012 that in the first instance five DIPs are appointed by full Council.

BACKGROUND

2. As reported to the Full Council in June the Localism Act 2011 (The Act) has changed the local government standards framework. At the meeting, the Council authorised the recruitment of up to five DIPs and an advertisement for the role was placed on the Council's web site on 21 June 2012 inviting members of the public to apply by 31 June 2012. After which the following four were appointed on a temporary basis until 1 July 2013: Mark Southwell, Liz Mackenzie, George Hibberd and Ray Smith.
3. After further advertisement, five applications were received and interviews were held on 26 September and 17 October with the Deputy Director of Resources (Corporate Governance) and Monitoring Officer, a Deputy Monitoring Officer, a representative from the Conservative Group (the other groups were invited to participate) and a member from the existing Independent Remuneration Panel. Following this process Mr Alistair Drain was the strongest candidate.
4. Under the Act these appointments can only be made by the Full Council and the above mentioned will be appointed on a permanent basis for four years.
5. The legislation is quite clear that DIPS must be independent of the Council

(including the town and parish councils) and cannot (other than during the transitional period that runs to 1 July 2013) have been members of either councils during the last five years.

FINANCIAL / BUDGET IMPLICATIONS

6. Previously independent members of the Ethical Standards Committee received an annual allowance of £301, with the Chairman of the Ethical Standards Committee receiving an allowance of £3,573. In June Full Council agreed to allocate the DIPs an annual allowance of £301. This will be an interim payment and will need to be considered by the Independent Remuneration Panel which advises on the level of member allowances as part of their annual review. The outcome of this review may mean this allowance either increasing or decreasing but it will be backdated to the date of appointment.
7. Assuming the level of allowance remains as Full Council agreed in June, this will generate a saving of at least £3,573 as there will be no Ethical Standards Committee Chairman to receive an allowance.

LEGAL IMPLICATIONS

8. Under the Localism Act 2011, and subsequent regulations, it is a legal requirement for the Council to appoint at least one DIP in accordance with the Act. The arrangements set out in this report meet the legal requirements.

EQUALITY AND DIVERSITY

9. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
10. The advertisements for this round of appointments were placed in the Isle of Wight County Press with copies sent to all town and parish council's, Rural Community Council (to be published in its magazine), Magistrates Court, Isle of Wight NHS Trust, Citizens Advice Bureau, Isle of Wight TUC, Libraries and the Council's web site.
11. An Equality Impact initial screening has been undertaken and there has been no impact on the protected characteristics with regard to these proposed appointments.

OPTIONS

- 12. Option 1: That Alistair Drain is appointed as the fifth Designated Independent Person for a period of four years.
- 13. Option 2: To appoint a different Designated Independent Person.

RISK MANAGEMENT

- 14. Appointment to this position will reduce the risk of any challenge being successfully made to our procedure for dealing with complaints against members under the new arrangements.

RECOMMENDATION

- 15. Option 1 - That Alistair Drain is appointed as the fifth Designated Independent Persons for a period of four years.

APPENDICES ATTACHED

- 16. None.

BACKGROUND PAPERS

- 17. [Equality Impact initial screening.](#)

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